

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

EDWARD C. McREADY

v.

MARTIN O'MALLEY, et al.

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Civil No. RWT 08-2347

MEMORANDUM OPINION

Presently pending are Plaintiff's Motion to Compel Second Supplemental Responses to Plaintiff's First Set of Interrogatories to Defendant Greg von Lehman; Impose Sanctions, (Dkt. No. 30), and Plaintiff's Motion to Strike Defendants' pleadings, et al. (Dkt. No. 59). No hearing is deemed necessary. Plaintiff's motion to compel will be granted as unopposed and his motion to strike will be denied.

Plaintiff moved to compel second supplemental responses to Interrogatories No. 2-5 of Plaintiff's first set of interrogatories to Defendant Greg von Lehman. Defendants responded by stating that von Lehman would provide supplemental answers to Interrogatories No. 2-5. Not content with this victory, Plaintiff replied that Defendants' response "abounds in deceit," accused Mr. Faulk of disingenuously interpreting this court's July 23, 2009 Order, and questioned whether Defendants' reliance on testimony from an Office of Administrative Hearing proceeding could provide sufficient information from which to answer his requests.

The Court's order of July 23, 2009, regarding Plaintiff's Motion to Compel Defendant von Lehman to provide Supplemental Responses was intended to require responses to the discovery requests, not a response to the motion. However, the language of the order is ambiguous and Plaintiff's accusations that defense counsel committed deliberate fraud in interpreting the order are inappropriate and are rejected. In any event, defense counsel has acknowledged the obligation to supplement the responses to the discovery requests and must do so by not later than September 4, 2009. Accordingly, the motion to compel is granted as unopposed.

The request for sanctions is denied. As noted previously, Plaintiff failed to follow Local Rule 104.8 in initially filing the motion, and his allegations of fraud are misplaced.

Plaintiff's motion to strike repeats his allegations of fraud regarding the response to the motion to compel and seeks an order directing Defendants to submit their supplemental

responses, an action which Defendants had agreed to take in response to the motion to compel. Plaintiff also claims to need a ruling on two items in his Motion to Compel Supplementary Responses. (Dkt. No. 44). Defendants had previously agreed to provide these materials. If they have not yet done so, they must do so by September 4, 2009.

Finally, Plaintiff seeks an extension of the deadlines set forth in the July 23, 2009 order. That order created a deadline of September 4, 2009, for Plaintiff's receipt of all written discovery, which will be met. All ensuing deadlines were set to allow adequate time from that September 4 date. No cause to extend those dates has been shown, and the request is therefore denied.

Date: August 27, 2009

/s/
JILLYN K. SCHULZE
United States Magistrate Judge